

REMARKS

This Amendment is fully responsive to the non-final Office Action dated July 17, 2008, issued in connection with the above-identified application. Claims 48-52 are pending in the present application. With this Amendment, claims 48-52 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration of the present application is respectfully requested.

In the Office Action, claims 48-52 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner indicates that the claims recite various uses of the term “content” (e.g., a content, specified content, etc.), which appear to be different and; therefore, lacking clear antecedent basis. Additionally, the claims recite both circulated and un-circulated content, while the instant application discusses purchase and un-purchased content in a secondary circulation.

The Applicants have amended claims 48-52 to help clarify the meaning and scope of the claims. With regard to the use of the term “content,” the Applicants have amended the claims to help clarify the use of the term “content,” particularly in method claim 51. Specifically, the Applicants have amended claim 51 to recite the terms “first content” and “second content.”

With regard to the terms “un-circulated” and “circulated,” the Applicants respectfully point out that these terms are based on independent concepts from the terms “purchased” and “un-purchased.” Specifically, on pg. 10, line 28-pg. 11, line 7 of the Applicants’ disclosure it states the following:

"a primary circulation" means a delivery of a content by a user who is entitled to delivery rights of the content (an original creator, most typically). In this primary circulation, there are two cases where a recipient of the delivery purchases the content, or receives only the distribution of the content without purchasing it. Further, "a secondary circulation" means a re-delivery of the content that was circulated primarily. Here, re-delivery of the content that was purchased in the primary circulation is referred to as "resale", and re-delivery of the content that was not purchased but distributed in the primary circulation is referred to as "intermediation."

Thus, circulated content as recited in the claims is content that has been circulated or transmitted to one or more communication terminal devices in the network. The circulated content can be either purchased or un-purchased content, which can redistributed to another

communication terminal device. On the other hand, un-circulated content is content that potentially originates with a communication terminal device. That is, the communication terminal device is the source of the content (i.e., content that has not yet been transmitted or distributed to another communication terminal device). As noted above, the terms “circulated” and “un-circulated” are based on completely different concepts from the terms “purchased” and “un-purchased.”

The Applicants assert that one of ordinary skill in the art would understand the terms “circulated” and “un-circulated” based on the above description in the Applicants’ disclosure, and based on a reasonable interpretation of the terms.

Additionally, the Applicants have amended claims 48 and 50 to help clarify the different “units” recited in the claims.

Accordingly, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

In light of the above, the Applicants respectfully request that the Examiner withdraw the rejection to the claims and pass the application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Takaaki NAMBA et al.

/Mark D. Pratt/

By: 2008.10.09 10:59:51 -04'00'

Mark D. Pratt
Registration No. 45,794
Attorney for Applicants

MDP/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 9, 2008